

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JUNE 13, 1989  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:16 a.m. The meeting was recessed by Mayor O'Connor at 12:19 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. with a quorum not present. A quorum was present at 2:07 p.m. with Council Members Wolfsheimer and Roberts not present. Mayor O'Connor adjourned the meeting at 3:57 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
  - (1) Council Member Wolfsheimer-present
  - (2) Council Member Roberts-present
  - (3) Council Member McColl-present
  - (4) Council Member Pratt-present
  - (5) Council Member Struiksma-present
  - (6) Council Member Henderson-present
  - (7) Council Member McCarty-present
  - (8) Council Member Filner-present
- Clerk-Abdelnour;Fishkin (mp;rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-present

Jun-13-1989

ITEM-310: WELCOMED BY COUNCIL MEMBER McCOLL

Welcoming a group of approximately 26 students from East San Diego Adult Center, accompanied by their teacher, Gretchen Bitterlin. This group will arrive at approximately 10:30 a.m.  
(District-3.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A116-131.)

ITEM-330: CONTINUED TO JUNE 27, 1989

Rezoning a 2.4-acre site located at the southwest intersection of Palm Avenue and My Way, in the Otay Mesa-Nestor Community Plan area, from Zone R1-20000 to Zone R1-8000. The subject property is more particularly described as the west half of the north half of the west half of the west half of the northeast quarter of the northwest quarter of Section 27, Township 18 South, Range 2 West, S.B.B.M.

(Case-88-0732. District-8.)

Subitem-A: (R-89-2188)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0732 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-89-223)

Introduction of an Ordinance for R1-8000 Zoning.

FILE LOCATION: Subitem-A: ZONE ORD. NO.; Subitem-B: --

COUNCIL ACTION: (Tape location: A024-032.)

MOTION BY FILNER TO CONTINUE TO JUNE 27, 1989, AT HIS REQUEST BECAUSE THE PLANNING GROUP WILL BE MEETING ON WEDNESDAY, JUNE 14, 1989, AND THE APPLICANT HAS AGREED TO THE CONTINUANCE.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,  
Struiksma-not present, Henderson-yea, McCarty-not present,  
Filner-yea, Mayor O'Connor-yea.

ITEM-331:

Rezoning a 5.0-acre site located at 16935 West Bernardo Drive, north of Bernardo Center Drive, west of I-15 and south of Rancho Bernardo Road, in the Rancho Bernardo Community Plan area, from Zone M-IP (Manufacturing Industrial Park) to Zone CR (Commercial Recreation). The subject property is more particularly described as Lot 3, Bernardo Industrial Park, Unit 3, Map-6035.

The subject property is developed with an existing 73,000 square-foot two story office building; this action will allow a 5,000 square-foot restaurant to be developed within the existing structure.

(Case-88-0850. District-1.)

Subitem-A: (R-89-2187) ADOPTED AS RESOLUTION R-273729

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0850

has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-89-222) INTRODUCED, TO BE ADOPTED  
JUNE 26, 1989

Introduction of an Ordinance for CR Zoning.

FILE LOCATION: Subitem-A: ZONE ORD. NO.; Subitem-B: --

COUNCIL ACTION: (Tape location: A113-116;132-163.)

Hearing began at 10:28 a.m. and halted at 10:30 a.m.

MOTION BY WOLFSHEIMER TO ADOPT THE RESOLUTION AND INTRODUCE THE ORDINANCE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-not present, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

Two actions relative to the temporary closure of Old Black Mountain Road:

(Penasquitos East Community Area. District-1.)

Subitem-A: (R-89-2616) ADOPTED AS AMENDED AS RESOLUTION R-273730 LEAVING THE ROAD OPEN

Authorizing the City Manager to temporarily close the dirt portion of Black Mountain Road between Via Abertura and La Harina Court until such time as an alternative route has been developed.

Subitem-B: (R-89- ) FILED AS A RESULT OF LEAVING THE ROAD OPEN

Certifying that the information contained in EQD-89-0244 has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said Report has been reviewed and considered by the

Council; adopting findings and Statement of Overriding Considerations.

FILE LOCATION: STRT J-2684

COUNCIL ACTION: (Tape location: B057-C496.)

Hearing began at 11:02 a.m. and halted at 12:15 p.m.

Testimony in favor by Eddie Macanas, Pat Henos, Glenn Hirashiki, Jack Vasko, Andy Schlaefli, and John Granger.

Testimony in opposition by Alan Dickey, Marilyn Brown, Kevin McNamara, Pamela Stevens, Norm Osborne, Carl Sarrazolla, David Brown, Elizabeth Higgins, Ruth Brewer, Sherry Ahern, Carol Dick, Frank Reed, Mark Collins, Lucille Hedges, Tom Carlyon, Joseph Bruscella, Gary Sanders, Judy Werner, John Haggerty, Craig Schmidt, Paul Henschel, and David Bradley.

Mayor O'Connor closed the hearing.

MOTION BY STRUIKSMA TO LEAVE THE ROADWAY OPEN AND TO INSTRUCT THE

CITY MANAGER (1) TO WORK WITH THE POLICE CHIEF TO ENSURE THAT THERE IS A SUSTAINED LEVEL OF TRAFFIC ENFORCEMENT IN THE

## WOODCREST

SUBDIVISION, ESPECIALLY DURING THOSE PEAK TRAVEL HOURS IN THE MORNING AND AFTERNOON; (2) TO REPORT TO THE APPROPRIATE COMMITTEE ON THE STATUS OF THE SIGNAL LANDMARK PROJECT; AND (3) TO INVESTIGATE THE POSSIBILITY OF ASPHALTING OR OILING THE ROAD TO REDUCE THE DIRT AND DUST, AND, UNLESS THIS ROAD IS OTHERWISE IMPROVED, MAKE A COMMITMENT TO CLOSE IT AT SUCH TIME AS A NEW FACILITY IS OPENED. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

### ITEM-333:

Appeal of La Jolla Community Planning Association, by Jay Wharton, President, from the decision of the Planning Commission in approving La Jolla Special Use Permit Case-88-0319, which proposes to construct a three-story six-unit apartment building over one level of underground parking garage.

A variance is requested to allow both pitched and flat roofs which is in conflict with the bonus residential development

requirement for "pitched roofs and other roof designs to reduce the appearance of bulk and create an appearance compatible with surrounding development." A variance to allow an average of 200 square feet of private space per unit in lieu of a required 200 square feet per unit is also requested.

The subject property, 7572-7580 Eads Avenue, is located at the southwest corner of Eads Avenue and Silver Street and is further described as Lots 39 and 40, Block 10 of La Jolla Park, in Zone 5 in the La Jolla Community Plan area. (Case-88-0319. District-1.)

### Subitem-A: (R-89- ) FILED AS A RESULT OF GRANTING APPEAL AND DENYING PERMIT

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0319 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

### Subitem-B: (R-89-2599) ADOPTED AS RESOLUTION R-273731 GRANTING THE APPEAL AND DENYING THE PERMIT

Adoption of a Resolution granting or denying the appeal and granting or denying the permit with appropriate findings to support Council action.

FILE LOCATION: PERM - La Jolla Special Use Permit  
Case-88-0319

COUNCIL ACTION: (Tape location: A180-B054.)  
Hearing began at 10:31 a.m. and halted at 11:02 a.m.  
Testimony in favor by Jay Wharton and Larry Keller.  
Testimony in opposition by Bob Evans, Dr. Howard Murphy, and Michael Murphy.  
Council Member Pratt entered at 10:45 a.m.

MOTION BY WOLFSHEIMER TO UPHOLD THE APPEAL AND DENY THE PROJECT.  
Second by Henderson. Passed by the following vote:  
Wolfsheimer-yea, Roberts-nay, McColl-yea, Pratt-yea,  
Struiksma-yea, Henderson-not present, McCarty-not present,  
Filner-yea, Mayor O'Connor-yea.

ITEM-334: CONTINUED TO AUGUST 8, 1989

A proposal to adopt the Mission Valley Planned District Ordinance (PDO) for the purpose of implementing the adopted Mission Valley Community Plan. The entire community is proposed to be rezoned from City-wide zones to PDO zones. The zone boundaries are consistent with the adopted community plan land use designations.

The planned district also involves three overlay districts which would regulate: 1) development intensity in the Mission Valley community and a portion of the Linda Vista community; 2) the San Diego River area; and 3) hillside areas. The development intensity currently permitted by the adopted community plan and the existing adopted ordinance would be maintained. Under the planned district framework, most projects would be processed through a discretionary Mission Valley Development Permit.

No changes to the existing boundaries of the Hillside Review Overlay (HR) Zone, the Floodway (FW) Zone, or the Floodplain Fringe (FPF) Zone are proposed.

Copies of the complete draft Mission Valley Planned District Ordinance and detailed zoning and overlay district maps are available at the Planning Department upon request.

(District-5.)

Subitem-A: (R-89-2413)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-84-0194 and Addendum 88-0462 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report and addendum have been reviewed and considered by the Council and readopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-89-230)

Introduction of an Ordinance approving the Planned District.

Subitem-C: (O-89-231)

Introduction of an Ordinance rezoning various portions of Mission Valley.

FILE LOCATION: Subitem-A: LAND - Mission Valley Planned District; Subitem-B,C: --

COUNCIL ACTION: (Tape location: A033-050.)

MOTION BY HENDERSON TO CONTINUE FOR SIXTY DAYS AS REQUESTED BY COUNCIL MEMBER STRUIKSMA. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-335: CONTINUED TO JUNE 27, 1989

(Continued from the meetings of May 9, 1989, Item 330, and May 23, 1989, Item 335; last continued at Council Member Filner's request, to evaluate the plans.)

The following project (Crosstown/B Club Suites) is subject to City Council review according to the provisions of the Centre City Emergency Ordinance and Overlay Zones. The project is a proposed 15 story apartment tower containing 153 units with five levels of parking (one below grade) and 5,285 square feet of retail located on the west side of Eleventh Avenue between B and C Streets. The project requires a variance from the permitted FAR (Floor Area Ratio) of 10.0 to 10.37. The subject property is more particularly described as Lots J, K and L, Block 23, Horton's Addition, in the Centre City Overlay Zone.  
(Case-89-0156. District-8.)

Subitem-A: (R-89-1943)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-0156 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-89-1942)

Adoption of a Resolution approving the project.

**PLANNING DEPARTMENT SUPPORTING INFORMATION:**

The proposed project is a 15 story apartment tower, containing 153 units (88 studios and 64 one bedroom) with five levels of parking, one below grade and 5,285 square feet of commercial at street level. The project is in the core area of Centre City, and according to the Emergency Ordinance has an FAR of 10.0 and height governed by the Airport Approach Overlay Zone. The project has an FAR of 10.37 and is 158 feet in height.

The project has been reviewed according to the Centre City Overlay Zone.

Vehicular Access - Maximum linear feet of curb cut is indicated at 42 feet where 30 is permitted. A maximum curb cut for one-way traffic is 12 feet.

Parking - Parking facilities with three or more levels of above-grade parking shall be contained within the structure and architecturally enclosed. The openings for garage ventilation are recessed and covered with grill work.

Street Level Development - Both the B and Eleventh Street frontages surpass the 40 percent requirement for ground floor activity. Fifty-nine percent of B street is devoted to commercial use and see-thru glass windows while close to seventy-five percent of Eleventh Street is in commercial space use or lobby area for the residential tower.

FAR - The amount of FAR .37 that exceeds the permitted 10.0 is approximately 5,500 square feet. In terms of the desired overall goal of developing residential in Centre City, this square footage appears to be very minimal. The proposed improvement will fulfill an individual and or community need and will not adversely affect the conditions that have been applied, will not be detrimental to the health, safety and general welfare of persons residing or working in the area; and will meet the purpose and intent of this ordinance.

Signage - A comprehensive sign plan will be required.



Rooftops - All mechanical equipment shall be screened.

Public Right-of-Way - The project cost will exceed \$250,000, therefore, certain ROW improvements are required including decorative lights, street trees and upgraded sidewalks.

The Planning Department recommends approval subject to installment of public right-of-way improvements, submittal of sign plan and review by the City Engineer.

FILE LOCATION: PERM - Centre City Planned District Permit -  
Case-89-0156

COUNCIL ACTION: (Tape location: A054-062.)

MOTION BY FILNER TO CONTINUE FOR TWO WEEKS AT THE REQUEST OF THE PLANNING DEPARTMENT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-not present, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-336: REFERRED TO PLANNING DEPARTMENT

(Continued from the meetings of January 31, 1989, Item 331, and May 2, 1989, Item 330; last continued at Councilmember Henderson's request, for further review.)

Proposal to adopt the following:

- 1) Application of the Pedestrian Commercial Overlay Zone (PCOZ) to commercial areas in Pacific Beach as shown on the map on file in the Planning Department and as described below; and
- 2) An amendment to the Local Coastal Program implementing ordinances to apply the Pedestrian Commercial Overlay Zone to those properties within the Coastal Zone. PCOZ would apply criteria and standards for the placement and design of new and redeveloped commercial buildings and parking to preserve and enhance the pedestrian orientation of commercial areas. PCOZ requires buildings to be located near sidewalks and has standards for parking and vehicles to be arranged so as to minimize conflicts between pedestrians and vehicles. The subject properties are generally located along Turquoise Street between La Jolla Boulevard and Cass Street; along

Garnet Avenue from Mission Boulevard to Ingraham Street; along Grand Avenue from Mission Boulevard to Cass Street; and in the area bounded by Diamond Street, Ocean Boulevard, Pacific Beach Drive and Mission Boulevard.

(Case-88-0450. District-6.)  
Subitem-A: (R-89-1231)

Adoption of a Resolution approving the application of the Pedestrian/Commercial Overlay Zone in Pacific Beach and authorizing the Planning Director to submit the application to the Coastal Commission as an amendment to the Local Coastal Program.

Subitem-B: (O-89-140)

Introduction of an Ordinance to apply the Pedestrian/Commercial Overlay Zone to commercial properties in Pacific Beach.

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: A011-023;D390-558.)

Motion by Henderson to trail the item to the afternoon session so that it can be heard with another scheduled Pacific Beach item.  
Second by Roberts. Passed. Yeas-1,2,3,4,6,8,M. Nays-None. Not Present-5,7.

Hearing began at 2:38 p.m. and halted at 2:48 p.m.

Testimony by Mike Ryan in opposition to the referral.

MOTION BY HENDERSON TO REFER THE ISSUE BACK TO THE PLANNING DEPARTMENT TO BRING BACK TO COUNCIL WITH A COMMUNITY PLAN UPDATE.

Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-337: (O-89-80) INTRODUCE AS AMENDED, TO BE ADOPTED ON JUNE 26, 1989

(Continued from the meeting of September 27, 1988, portion of Item 337; Trailed from the adjourned meeting of Tuesday, March 28, 1989; and continued from April 3, 1989, Item 209; last continued at Council Member Henderson's request, for further review.)

Proposal to rezone various properties in the Pacific Beach Community Planning Area into CV and CC Zones, to comply with the implementation of the Local Coastal Program and to coincide with the land use designations in the Pacific Beach Community Plan.

The proposed rezonings for areas in the Coastal Zone have

been approved "in concept" by the City Council and have been reviewed and approved by the California Coastal Commission. The subject property is located in an area generally to the west of Interstate 5, to the north of Mission Bay, to the east of the Pacific Ocean, and to the south of the La Jolla Community. The area is officially recognized by the City of San Diego as the Pacific Beach Community Plan area. (Case-88-0225. District-6.)  
Introduction of an Ordinance for CC and CV Zoning.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D567-E185.)

Hearing began at 2:49 p.m. and halted at 3:05 p.m.

Testimony in opposition by Valarie Stalling.

Testimony in favor by Mike Ryan, Jim Magot, and Al Strohlein.

MOTION BY HENDERSON TO APPROVE THE PLANNING DEPARTMENT'S RECOMMENDATION FOR SUBAREAS 6A AND 6B, BASICALLY ALONG GARNET STREET, TO BE REZONED FROM C TO C-1 AND TO AUTHORIZE THE TRANSMISSION OF THAT ACTION TO THE COASTAL COMMISSION. APPROVE THE PLANNING DEPARTMENT'S ALTERNATE RECOMMENDATIONS FOR

SUBAREAS 3

AND 4 AND SUBAREAS 15, 16, AND 17; THAT IS, TO REFER THESE BACK TO THE ALREADY SCHEDULED PACIFIC BEACH PLAN UPDATE WITH A VIEW OF PREPARATION OF A PACIFIC BEACH PLANNED DISTRICT ORDINANCE. Second by Struiksma. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-338:

Appeal of Dr. and Mrs. Nicholas L. Schenck, by Philip D. Oberhansley of Gray, Cary, Ames & Frye from the decision of the Planning Commission in granting Valdes Partnership Coastal Development Permit Case-88-1108, which proposes a 5,896 square foot single-family residence with a built-in three-car garage. Variances are requested to allow a 0'0" front yard setback where 15'0" is required; 4'0" side yard setback where 5'0" is required and a 38'0" wide driveway where a maximum 25'0" is permitted. The 14,743 square foot project site is located on Valdes Drive, in Zone R1-8000 HRO, in the La Jolla Community Plan area, and is further described as Lot 28 of Ludington Heights, Map-2025. (Case-88-1108. District-1.)

Subitem-A: (R-89-2634) ADOPTED AS RESOLUTION R-273733

19890613

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-1108 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-89-2635) ADOPTED AS RESOLUTION R-273734,  
DENYING APPEAL AND GRANTING PERMIT  
AS AMENDED

Adoption of a Resolution granting or denying the appeal and granting or denying the permit and variances, with appropriate findings to support Council action.

FILE LOCATION: PERM - COASTAL DEVELOPMENT PERMIT CASE-88-1108

COUNCIL ACTION: (Tape location: E190-F268.)

Hearing began at 3:05 p.m. and halted at 3:52 p.m.

Council Member Filner left at 3:25 p.m.

Testimony in opposition to the project by Philip Oberhansley and Dr. Nicholas Schenck.

Testimony in favor of the project by Tom Kaywood.

MOTION BY ROBERTS TO REQUIRE A THREE FOOT SETBACK AND TO REVISE THE DESIGN IN ORDER TO ACCOMMODATE THAT CHANGE. Second by

Struiksma. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-339:

The following project (Ashforth Office Building) is subject to City Council review according to the provisions of the Centre City Emergency Ordinance and Overlay Zones. The project is a proposed five-story, 31,500 square foot office building with parking for 47 vehicles, located on the east side of Fourth Avenue between Ash and Beech. The subject property is more particularly described as Lot E and the north half of Lot F in Block 201, Horton's Addition, in the Centre City Overlay Zone.

(Case-89-0274. District-8.)

Subitem-A: (R-89-2179) ADOPTED AS RESOLUTION R-273735

Adoption of a Resolution certifying that the information

contained in Environmental Negative Declaration END-89-0274 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-89-2178) ADOPTED AS RESOLUTION R-273736

Adoption of a Resolution approving the project.

FILE LOCATION: PERM - CENTRE CITY PLANNED DISTRICT  
PERMIT-89-0274

COUNCIL ACTION: (Tape location: F216-220.)

Hearing began at 3:53 p.m. and halted at 3:56 p.m.

Council Member Filner entered at 3:53 p.m.

MOTION BY FILNER TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-S406: (R-89- ) RECONSIDERED, TO BE DISCUSSED ON JUNE 19, 1989

Directing that the Intergovernmental Relations Department oppose the appropriation of \$5.79 million for purposes of an ORV park, explore obtaining this funding for the City's priorities related to gang violence and drugs as listed in the City Council's declaration of a state of emergency, and have the City's Sacramento representative inform state legislators of the City's concern.

(Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The Intergovernmental Relations Department (IRD) learned on Monday, June 5, that the California State Assembly was considering approving a \$5.79 million budget augmentation, which was subsequently approved, to fund the lease of property in Otay Mesa and develop an offroad vehicle (ORV) park. This item is now before the Conference Committee to resolve differences between the Senate and Assembly budget bills. The augmentation was carried by Assemblywoman Carol Bentley and the late Assemblyman Bill Bradley. IRD was informed late Wednesday that this augmentation is supported by the County Board of Supervisors. At the Rules Committee meeting of June 7, 1989, the City Manager and IRD expressed concerns about the effect

of dedicating this property to such a land use during a time when

there are many proposed projects being considered by surrounding jurisdictions for the Otay Mesa region. The City Manager requested that the IRD Director and Manager be directed to meet with County staff to explore possible problem areas and to direct IRD to have our Sacramento representative inform state legislators of our concern. However, the Rules Committee, by a vote of 5-0 (McColl-not present), directed IRD to oppose appropriating \$5.79 million for purposes of an ORV park and to explore obtaining this funding for our priorities related to gang violence and drugs as listed in the City Council's declaration of a state of emergency in San Diego.

FILE LOCATION:    - -

COUNCIL ACTION:    (Tape location: C500-520.)

MOTION BY HENDERSON TO RECONSIDER COUNCIL'S ACTION TAKEN ON MONDAY, JUNE 12, 1989, AND DIRECT APPROPRIATE STAFF TO COME FORWARD ON JUNE 19, 1989, WITH A REPORT ON THE COUNTY BOARD OF SUPERVISORS' POSITION ON THIS MATTER. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-nay.

ITEM-S500: (O-89-225)    INTRODUCED AND ADOPTED AS ORDINANCE  
                                 O-17312 (New Series)

(Continued from the meetings of May 22, 1989, Item 211, and May 30, 1989, Item S411; last continued at Mayor O'Connor's request, for further review.)

First public hearing in the matter of:

Amending Ordinance No. O-17122 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17122-1, as amended and adopted therein, by amending the personnel authorization of the Intergovernmental Relations Department (015) by authorizing one new Council Representative II position; deleting one Intermediate Stenographer position; exempting the newly authorized Council Representative II position from the Classified Service, and establishing a salary rate therefor.

(See memorandum from Personnel Director dated 5/11/89 and

memorandum from Benjamin F. Dillingham III dated 4/24/89.)

NOTE: The second public hearing for the introduction and adoption of the Ordinance will be held on Tuesday, June 13, 1989.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D024-032.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT

ITEMS S500 AND S501. Second by Henderson. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-S501: (O-89-236) INTRODUCED AND ADOPTED AS ORDINANCE  
O-17313 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-17122 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year, by adding new CIP-52-431.0, Jackson Drive Extension to SR-52, to the 1989 Capital Improvements Budget.

(Mission Trails Regional Park Community Area. District-7.)

NOTE: The first public hearing of the Ordinance was held on Monday, June 12, 1989, Item S404(B). Today's action is the second public hearing for the introduction and adoption of the Ordinance.

Aud. Cert. 8901041.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D024-032.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT

ITEMS S500 AND S501. Second by Henderson. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S502:

(Continued from the meeting of June 6, 1989, Item 333, at the

City Manager's request, for full Council.

Five actions relative to the Improvement of Project First Class Alley and Sewer Replacement, Contract No. 5, under the provisions of the San Diego Municipal Code and the Improvement Act of 1911:

(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-89-1871) ADOPTED AS RESOLUTION R-273737

Resolution of Feasibility for the Improvement of Project First Class Alley Improvement and Sewer Replacement, Contract No. 5.

Subitem-B: (R-89-1872) ADOPTED AS RESOLUTION R-273738

Ordering the work for the Improvement of Project First Class Alley Improvement and Sewer Replacement, Contract No. 5.

Subitem-C: (R-89-1873) ADOPTED AS RESOLUTION R-273739

Approving the City Engineer's Report submitted in connection with the Improvement of Project First Class Alley Improvement and Sewer Replacement, Contract No. 5.

Subitem-D: (R-89-1874) ADOPTED AS RESOLUTION R-273740

Adopting Plans and Specifications for the Improvement of Project First Class Alley Improvement and Sewer Replacement, Contract No. 5.

Subitem-E: (R-89-1875) ADOPTED AS RESOLUTION R-273741

Inviting sealed proposals for bids for the Improvement of Project First Class Alley Improvement and Sewer Replacement, Contract No. 5.

CITY MANAGER SUPPORTING INFORMATION: The Project First Class Alley and Sewer Replacement - Contract No. 5 is the fifth project in the Project First Class area to be considered by Council under the CDBG - Assessment District cost sharing concept. The cost sharing concept is based on CDBG funds being used to finance 50 percent of the alley improvements regardless of the income or residency status of the benefitting property owners. The remaining 50 percent of the alley improvement cost will be assessed to the benefitting parcels with CDBG funds being utilized



to pay the assessments for owner-occupants who meet HUD income guidelines. Property owners who do not qualify may pay the remaining 50 percent over a period of ten years. The proposed improvements to the eight alleys included in this contract consist of clearing, grubbing, grading, paving, curb, retaining wall, storm drain and sewer main replacement improvements. There are 159 parcels involved and 83 of them are owner-occupied. All property owners have been notified of the proposed improvements and given information regarding the assessment payment program. The cost of the sewer main replacements will be paid from Water Utility Department sewer annual allocation funds. The cost of the street paving will be paid for with CDBG funds.

FILE LOCATION: STRT D-2281

COUNCIL ACTION: (Tape location: D324-389.)

Hearing began at 2:34 p.m. and halted at 2:38 p.m.

MOTION BY PRATT TO ADOPT, APPROVING STAFF RECOMMENDATION TO DIRECT

THAT THE INTEREST RATE AS SHOWN IN THE PREVIOUSLY APPROVED RESOLUTION OF INTENTION BE REDUCED FROM 11 PERCENT TO 9 PERCENT.

Second by Henderson. Passed by the following vote:

Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S503: (O-89-204) INTRODUCED AS AMENDED, TO BE ADOPTED ON JUNE 26, 1989

(Continued from the meetings of May 30, 1989, Item 331 and June 6, 1989, Item S500; last continued at Verna Quinn's request, for full Council.)

Proposal to amend the San Diego Municipal Code, Chapter X, Article 1, Division 1, Section 101.0101 to define residential care facilities and Division 5, Sections 101.0510.C.1.o and 101.0510.3.m, to amend the Conditional Use Permit for residential care facilities to include locational criteria which will require a 600-foot separation between all residential care facilities, and development and parking standards. Since the Conditional Use Permit Ordinance is applicable in the Coastal Zone, this action will also constitute an amendment to the City's Local Coastal Program. (Citywide.)

Introduction of an Ordinance amending the San Diego Municipal

Code.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A080-109;D034-320.)

Testimony by John Onales relative to his request for a continuance.

Hearing began at 2:11 p.m. and halted at 2:34 p.m.

Council Member Roberts entered at 2:33 p.m.

MOTION BY PRATT TO APPROVE THE AMENDMENTS TO THE MUNICIPAL CODE REGARDING CONDITIONAL USE PERMITS FOR RESIDENTIAL CARE FACILITIES.

DIRECT THE ZONING ADMINISTRATOR TO PROVIDE THE COUNCIL OFFICES WITH STATE ISSUED NOTICES REGARDING THE PROPOSED FACILITIES IN THEIR DISTRICTS AS THEY BECOME AVAILABLE. DIRECT THE CITY

MANAGER, THE PLANNING DEPARTMENT AND THE ZONING ADMINISTRATOR

TO

COMPLETE THE MAP OF THESE FACILITIES WITHIN A TWO-MONTH TIME OR WHATEVER IS REASONABLE. TO HAVE THE ONE-QUARTER MILE SITING LIMITATION APPLICABLE TO ANY FACILITY WITHIN A CERTAIN AREA AS RECOMMENDED BY THE PLANNING DEPARTMENT. DELETE THE REFERENCE

TO

"SEVEN OR MORE" ON PAGE 1, AND TO ACCEPT COUNCIL MEMBER FILNER'S AMENDMENT TO REMOVE THE WORDING ON PAGE 7 IN SECTION 3, AFTER THE WORD "ISSUED." Second by Filner. Passed by the following vote:

Wolfsheimer-not present, Roberts-not present, McColl-yea,

Pratt-yea, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-yea,

Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

ITEM-CS-1: (R-89-2534) ADOPTED AS RESOLUTION R-273732

A Resolution adopted by the City Council in Closed Session on June 13, 1989:

Authorizing the City Manager to pay the sum of \$116,877.78 in partial settlement of each and every claim against the City of San Diego, its agents and employees for property damage to the Hotel San Diego; authorizing the City Auditor and Comptroller to issue two checks, one in the amount of \$69,053.92 made payable to Western Sun Hotels dba Hotel San Diego, the second check in the amount of \$47,823.86 made payable to Luth and Turley, Inc.; authorizing the City Manager to pay up to the sum of \$50,000.00 for future costs

and final settlement of the property damage repair to be performed by Luth and Turley, Inc.; authorizing the City Auditor and Comptroller to transfer \$166,877.78 from Water Revenue Fund 41502 unallocated reserve (70679) to the Water Operating Fund Watermain Maintenance Program (70540).  
Aud.Cert. 8901057

FILE LOCATION: MEET

ITEM-CS-2: (R-88-2622) ADOPTED AS RESOLUTION R-273890

A Resolution adopted by the City Council in Closed Session on June 13, 1989:  
Authorizing and empowering the Building Inspection Department Director to reactivate Plan File No. A000497-87 and issue a building permit for same in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. 596484, Jesus Garcia, Conception Garcia, husband and wife, Lilia Garcia, an individual v. City of San Diego, et al. resulting from the plaintiffs failure to obtain a building permit for the construction of a single family unit and parking structure as depicted on Plan File No. A000497-87; reactivating Plan File No. A000497-87 and the issuing of a building permit thereon

has been modified to substantially conform with the design criteria and guidelines of the Sherman Heights Historic District Ordinance adopted July 13, 1987; waiving permit fees for the issuance of a building permit in Plan File No. A000497-87 as modified and depicted in Exhibit "A" thereto in the amount of \$2,880.00.

FILE LOCATION: MEET

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 3:57 p.m.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F221-225).